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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/836,455	05/09/97	CHATTERJEE	M 304142000322

HM21/0904  
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PALO ALTO CA 94304-1018

EXAMINER

REEVES, J

ART UNIT	PAPER NUMBER
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1642

DATE MAILED:

09/04/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

# Office Action Summary

Application No.  
**08/836,455**

Applicant(s)

**Chatterjee et al**

Examiner

**Julie E. Reeves, Ph.D.**

Group Art Unit

**1642**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire zero month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-58 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-58 are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1642

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, 20-37, 39-40, 42-43, 46-48, 54-56, drawn to monoclonal antibody 11D10, hybridoma expressing the antibody, polypeptides and vaccines comprising the 11D10 antigen binding region and the first method of use of eliciting an immune response by administering an effective amount of vaccine.

Group II, claim(s) 6-19, 38, 41, 44-45, 57-58, drawn to polynucleic acids that encode a polypeptide comprising the antigen binding region of monoclonal antibody 11D10.

Group III, claim(s) 49, drawn to a method for removing labeled anti-human milk fat globule antibody from an individual.

Group IV, claim(s) 50, drawn to a method for detecting the presence of an anti-human milk fat globule antibody.

Group V, claim(s) 51, drawn to a method for detecting an anti-human milk fat globule immunologic response.

Group VI, claim(s) 52, drawn to a method for detecting an antibody that binds to monoclonal antibody 11D10.

Art Unit: 1642

Group VII, claim(s) 53, drawn to a method of palliating human milk fat globule associated disease in an individual.

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the protein and polynucleic acids of Groups I and II have different chemical properties which result in different biochemical, physiological and immunological properties. The methods of Groups I and Groups III-VIII involve different objectives, different endpoints, different protocols and materially different reagents. The examination of all groups would require different searches in the U.S. PATENT shoes and the scientific literature and would require the consideration of different patentability issues.

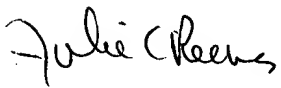
3. A telephone call was made to Catherine Polizzi on 3 Sept 1993 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 1642

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Reeves, Ph.D. whose telephone number is (703) 308-7553.

A handwritten signature in cursive script that reads "Julie E. Reeves".

Julie E. Reeves, Ph.D.

September 3, 1998